

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Covie Osmond Bell,	)	Civil Action No.: 4:21-cv-00599-RBH
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Capt. Kimberly Nelson and Chief Kelvin C.	)	
Washington	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Judge Kaymani D. West, who recommends dismissing this action with prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b) and denying Defendants’ Motion to Compel [ECF No. 50] as moot.<sup>1</sup> *See* ECF No. 57.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

No parties have filed objections to the R & R, and the time for doing so has expired.<sup>2</sup> In the absence of objections to the R & R, the Court is not required to give any explanation for adopting

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<sup>1</sup> The Magistrate Judge issued the R & R in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (D.S.C.).

<sup>2</sup> Plaintiff’s objections were due by February 17, 2022. *See* ECF Nos. 57 & 58.

the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

Having found no clear error, the Court **ADOPTS** the Magistrate Judge's R & R [ECF No. 57] and **DISMISSES** this action *with prejudice* pursuant to Fed. R. Civ. P. 41(b). Defendants' Motion to Compel [ECF No. 50] is **DENIED** as moot.

**IT IS SO ORDERED.**

Florence, South Carolina  
February 22, 2022

s/ R. Bryan Harwell  
R. Bryan Harwell  
Chief United States District Judge